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SALARY CASE DECISION.

UTAH PEOPLE WILL READ with mingled feelings the decision of the supreme court in favor of the claimant, Governor Heber M. Wells, in what is known as the salary case. In the feelings of those who have closely observed the proceedings, the element of surprise at the decision will not enter. Justices Baskin and Bartch and District Judge Morse, sitting for Justice Miller, are unanimous. An affirmative opinion was expected, although in handing it down the court has set at naught the judgment of a very large majority of the bar's most prominent members.

The question was not one of party or politics. The bill to increase the salaries of the state officers originated in a Republican house and was passed by a Democratic senate before it could become a law. There was no difference of opinion on the point that the existing salaries were too small. Democrats and Republicans alike were willing to concede that the officers were entitled to more money. The only question at issue was as to whether it was morally and legally right to apply the law to those now in office.

On this there was a wide difference of opinion in the legislature, and amendments specifying the time when the act should become effective were voted down. After the bill was passed, the Herald, on behalf of the taxpayers, caused a canvass of a score of the best lawyers in Salt Lake to be made. It was found that they were, with one exception, unanimous in the opinion that Governor Wells and his colleagues could not hope to profit by the new statute. They agreed that the constitution absolutely forbade that which the supreme court yesterday decided to be constitutional.

There was nothing of politics in the symposium of opinions presented by the Herald. It was made up of calm, unbiased constructions of a most important clause in the constitution, which fixes the salaries of state officers "until otherwise provided by law." On this the decision of the supreme court hinges. It has decided that the phrase means it is possible to change the compensation of an officer during his term because the constitution is not law. This looks decidedly like taking advantage of a quibble.

It was certainly the intent of the constitution to make it impossible for any legislature to tamper with salaries as fixed for the term for which an officer was elected. Suppose a set of Democratic state officials had been elected, and a Republican legislature had cut their salaries down to \$1 per year. A set of vice versa would have occurred. Suppose a set of Democratic state officials had been elected, and a Republican legislature had cut their salaries down to \$1 per year. A set of vice versa would have occurred. Suppose a set of Democratic state officials had been elected, and a Republican legislature had cut their salaries down to \$1 per year. A set of vice versa would have occurred.

The purpose of the constitution was to protect not only the public, but the officeholders themselves. It would be no fairer to permit a man to think he was to get \$2,000 a year and then cut him down to nothing than for him to expect \$2,000 and get \$4,000. The rule is one that works both ways: it is a two-edged sword and both edges are very keen. True, the supreme court says that since the salaries have been "fixed by law," it will be impossible for future legislatures to change them as applicable to acting officials. It is impossible to say what a future supreme court may do, for, with all due deference to supreme courts, they are just as human as turtles.

Another phase of the case is its moral phase. Of all the state officials, Governor Wells had the least right to demand an increase in his pay. For five years he served the state as chief executive at \$2,000 per year. We shall not insult our highly esteemed governor by believing that in so long a period he was unable to find out whether or not he could maintain his official dignity and to credit to his state \$2,000 a year. His clear and active brain did not become clouded, and yet, at the end of five years, at \$2,000 a year, mind you, you see him going before his party convention and asking for four years more in the governorship at the same \$2,000 a year.

It is hard to believe the governor was even then planning to have his pay raised. But if he was, he must have known there was a decided possibility of failure. Would he have resigned if the legislature hadn't done as he asked? Well, hardly. That's one thing your good Republican never does. So it seems to us that it is in very poor grace for the governor to seek and secure the aid of the court in depleting the treasury of the state. The other officials, notably Secretary of State Hammond, who occupies exactly the same moral position as Governor Wells, must also seem open to criticism as they cash their warrants for the increased salary, for they became candidates under the distinct understanding, an understanding that should have all the force and effect of a contract with the people of Utah, that they were to receive a certain compensation.

Our compliments to Councilman Tudendham. He makes a most presiding officer.

INDEPENDENT NEWSPAPERS.

THE EDITOR of the Logan Nation announces that hereafter his paper will be independent, and his reasons for the decision are of considerable interest. After reviewing the career of the paper for five years, during which it supported the Republican nominees without fail, and often with hope of financial reward, the Nation says: "During that time we have believed that it was right and proper for Republicans to support us by their patronage so far as possible. In this it appears we were mistaken. Most of the leading Republican politicians of this county have constantly proven that they felt no interest in their party paper but preferred to build up the institutions which opposed them politically rather than to throw their patronage toward an institution which worked for their personal and their party's success politically."

The Nation has discovered one of the peculiarities of most politicians of the world over; they know they can count on the newspaper which is an out-and-out party hack supporting the party candidates regardless of fitness for office, so they have little respect for it and less affection. The independent paper which cannot be influenced by party patronage either before or after elections is the one that the politicians fear and seek to conciliate; its opinions carry more weight, its news is of more value than the regular "organ" can possibly give its utterances. Even the most orthodox of party papers reaches the point where it cannot afford to support its party ticket throughout if it has any regard for the public welfare, and if it has no such regard its support is not worth having. Nowhere in the country are conditions so well adapted to the genuinely independent newspaper as here in Utah. While party lines are drawn where issues are of national importance, party obligation has not been extended to matters of general policy involving no great principle.

The people of Utah are not so wedded to political organizations that they must have only one side of great questions, on the contrary, they demand and appreciate news service and editorial comment that expresses fairly all that may be said on either side of an issue. The independent newspaper here finds a field ready for it, and as for the politicians, their support will go to the newspaper that has the people behind it.

The Nation may not have the highest of motives for its new policy, but it is on the right track.

WILD CITY EXTRAVAGANCE.

RECKLESS EXTRAVAGANCE in municipal expenditures is not confined to Salt Lake or any other single city of the country. We find everywhere that men elected to city councils are prone to make free with the public funds. We find, too, city officials who are not satisfied with magnificent salaries. Seized with the lust for great wealth, refusing to be satisfied with what most men would call prodigal liberality in the matter of their pay, they beseech their councils to grant them more and yet more money.

It is with extreme regret that we call attention to the latest instance of this kind. In looking over the well-written and breezy report of the proceedings of the Payson city council, as published in our esteemed contemporary, the Globe-Header, we were overcome with poignant dismay at one feature. The Globe-Header says a petition was received from Joseph Worthington, dog tax collector, asking that his pay be increased from \$2 to \$4 per month.

Mr. Worthington was bold enough to claim that his salary was not commensurate with the duties involved. We read on, hoping and expecting to find that the claim of the dog tax collector was indignantly rejected. We expected at least one member of Payson's council to rise in his place and denounce the effort to grab the money of the taxpayers. Alas, it was not to be. Not only was his salary raised, on motion of Councilman Betts, but he was actually given \$6 as extra compensation for work done during the last six months.

Now if the good citizens of Payson see Mr. Worthington whizzing around town in an automobile, if they see him buying potatoes in half-peck lots, if they observe that he wears a brand new bowler button and a full set of galluses, they will know where he got the money to pay for them. We got the astonishment if this piece of councilman extravagance, this adding of a total of \$12 a year to the burdens of a long-suffering people, doesn't result in changing the political complexion of Payson at the first possible opportunity.

STUDY IN ACROBATICS.

AS A STUDY IN ACROBATICS the legislative career of Aaron E. Price of Athens, O., is worth mentioning. Mr. Price was the former candidate for speaker of the Ohio house of representatives. No man had fought Senator Hanna harder and none was more cordially hated by Hanna. The unkind things they had said about each other would fill several volumes, and the unkind things they thought would make a mammoth library.

Hanna won his fight. His man beat Price in the house caucus by a comfortable majority. Then, before the roll of the snare drum and the crash of the bass, which always precede the time in any well regulated band, Price made a leap for the Hanna wagon. He jumped just as hard as he knew how, but it will take future developments to show whether or not he has landed. He certainly stumbled himself enough, for he declared himself for Hanna for senator two years hence.

If Ohio's best known senator is as wise as most people think he is, he will see to it that Price is not a member of the next Ohio legislature. The death-bed conversion was too violent and it may not last. If he is sincere in his change of heart, Mr. Price may be congratulated for at least one thing. He knows when he is whipped sufficiently. We wish we could say as much for some well-known Utah politicians.

Captain Richmond Pearson Hobson is going to run for congress. He wants to get into a place where he will not be tempted to oscillatory exercises.

A Connecticut barber was recently asphyxiated. It's a wonder more of them don't die that way. They generate enough gas.

Society

Dr. and Mrs. Worthington entertain at dinner on Wednesday, Jan. 21.

Mrs. H. E. Schiller and children leave soon for a visit of several weeks in Portland, Ore., and California.

The announcement cards have just been received of the marriage in Washington, D. C., of S. S. Thatcher, of Mrs. Mary E. Donnellan to Mr. Jules Eddy Kennedy. Mrs. Kennedy was formerly Mrs. John Tilton Donnellan of Salt Lake, and the announcement comes as a surprise to her many friends in Salt Lake.

Miss Grace Cottle gives a Kensington on Saturday afternoon.

Miss Bertha Bootes and Miss Edith Hulse resume their studies at Stanford this week, leaving here Friday morning.

A social is to be given by the Unitarian church on Friday evening at the home of the pastor, E. S. Thatcher, 1088 Third street. A programme of song and recitation will be given and an enjoyable time is anticipated.

The members of the church and their friends are cordially invited to be present.

Miss Elsie Cohen entertained the Reading club last evening.

Dr. and Mrs. Andrew Dowd returned Saturday from their home in Sunnyside, after a pleasant visit of two weeks in this city.

Mrs. O. W. Powers will entertain on Friday.

The ladies of the Sewing club were entertained by Mrs. Orson Miles yesterday.

Mrs. C. M. Freed and Mr. Lester Freed have come to Denver to attend the wedding of Claude Freed and Miss Ruth Wolff. Lester Freed will act as best man.

Mrs. Sol Siegel, children and governess, leave today for Camden, S. C., where they will spend the remainder of the winter and early spring.

The Shakespeare club meets tonight at the residence of Dr. Thatcher, 1088 Third street. Character sketches from the play "Hamlet" will be given by some of the members.

The Ladies' Aid society of the First Methodist church holds its annual election of officers this afternoon at 2:30 o'clock.

Miss Louise Meares is visiting relatives in Willard City.

The Woman's Republican club held a business meeting yesterday afternoon at which Mrs. Arthur Brown was appointed chairman of the ways and means committee. Mrs. W. W. Rivers, chairman of the programme committee, and Mrs. A. E. Pease, chairman of the entertainment committee. Plans were discussed for the entertainment to be given on Feb. 12, in celebration of the birthday of Abraham Lincoln.

The meeting was held at the home of Mrs. A. E. Pease at 37 East Third street, and about thirty ladies were present. During a social hour which followed the business refreshments were served and vocal selections were charmingly rendered by the hosts.

The next meeting takes place at the residence of Mrs. W. W. Rivers.

Mr. and Mrs. Fred W. Scarr expect to leave this city shortly to take up their residence in Chicago.

Invitations have been received in this city to the marriage of Miss Belle Zemansky to Rabbi Louis G. Reynolds on Tuesday afternoon, Jan. 21, at 2:30 o'clock at 1312 Third street, Sacramento, Cal.

The Misses Noble leave soon for California.

Mr. D. A. Romney, who has been connected with the Rocky Mountain Bell Telephone company for the past year, departs tonight for Kansas City.

The regular meeting of the Parliamentary club will be held on Thursday afternoon at 3:30 p. m. at the clubhouse.

There will be a meeting of all the ladies interested in the Needlework guild at 4 o'clock on Saturday afternoon at the Kenyon parlors. A large attendance is desired.

The story of "The Devil's Auction" will make an interesting bit of history some day. It was originally produced as an afterpiece in the year 1886, having then no dialogue whatever, but being out and out a pantomime. Charles H. Yale, whose name has since been so closely linked with the piece, was at first a clown in the troupe of dancing in Boston. In 1882 Yale got possession of the pantomime and wrote the dialogue heard today. From that hour it was success. It has made it fortune for Yale, and now in its twentieth year as a production, is drawing the most enormous houses of its career.

The Salt Lake theatre was packed to suffocation last night, the crowd representing nearly \$900—the occasion being the return of the "Auction" to this city. The show is better than it has been in several years. The specialties are clever, especially the trained dog, and the ballets are attractive. The people were pleased all the way through. The house laughed and danced over the trick scenery and the wonderful adventures of Toby and his companions.

Old as it is, "The Devil's Auction," might have played a longer engagement than one night.

C. W. Meakin returned to this city Saturday night from Danville, Ill., where he closed with Brune's "The drama" company. Bad business and poor management on the part of Mr. Brune caused the closing of the company. Mr. Meakin will remain in Salt Lake until May, when he returns to New York.

"A Romance of Coon Hollow" is the attraction at the Grand until Wednesday night. The melodrama, or comedy-drama, as the bill puts it, has been seen on the same stage before and the audience that witnessed it last night was, to say the least, well pleased. The company is headed by Miss Lola Pomeroy, a clever soubrette, who laughs and dances and sings. Hardly second to the featured star is Miss Cecil Jefferson, who gives a strong impersonation of the girl in the mountain glade. The male comedians of the cast are hardly as capable, but taken as a whole, the company cannot be severely criticised. It is fully up to the average.

A feature of "Coon Hollow" is the splendid scenery. The attraction deserves full houses.

The story of "Rupert of Hentzau," which will be seen at the Theatre tonight, is a continuation of the history of the famous characters of "The Prisoner of Zenda." The play, which will take place tomorrow afternoon, will take place tomorrow afternoon.

BABY HAS GONE TO SCHOOL.

The baby has gone to school; ah me! What will the mother do? With never a call to button or pin, Or tie a little shoe? How can she keep herself busy all day, With the little hindering thing away?

Another basket to fill with lunch, Another "good-bye" to say, And mother stands at the door to see Her baby off to school, and then, And turn with a sigh that is half relief And half a something akin to grief.

She thinks of a possible future morn, When the children, one by one, Will go from their homes to the distant world.

To battle with life alone; To fight with the world, to cheer The scattered home of that future year.

She picks up the garments here and there, Thrown down in careless haste, And tries to think how it would seem If nothing were displaced, If the house were always as still as this, How could she bear this loneliness?

—Exchange.

FIGHTS FOR FUN OF IT.

Well-to-do Jersey Man Has Paid \$4,000 Fines in Fifteen Years.

Some of the rich men of Trenton, N. J., pay larger taxes than Patrick Malloy, but few of them contribute more to the public treasury. Malloy is a taxpayer, but his heaviest payments toward the support of free government in Mercer county and the city of Trenton are in the form of fines. In the last fifteen years he has parted with about \$4,000. He has high cheek bones and a heavy jaw, and he is still keeping up the average of something more than \$200 a year.

Malloy comes of fighting stock. His father, James Malloy, had a reputation for being a fighter, and he, in turn, and his brother, Edward, can use his fists when occasion requires, but Patrick's prowess is the pride of the family. Patrick Malloy is a big, strong, man that walks. He is big and strong, and his fists are as hard as a dry-salted ham.

He is six feet tall and as straight as an Indian. He has high cheek bones and a heavy jaw, and he is still keeping up the average of something more than \$200 a year. Malloy comes of fighting stock. His father, James Malloy, had a reputation for being a fighter, and he, in turn, and his brother, Edward, can use his fists when occasion requires, but Patrick's prowess is the pride of the family.

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There is seldom a term of the court of Mercer county, New Jersey, at which Malloy is not indicted for assault. At the term held last May he was fined \$25 and costs, amounting in all to about \$100. At the present term he has been convicted of assault and battery on Edward Hogan. Sentence in this case has not yet been imposed, but, whatever the fine, Malloy will pay it cheerfully, because, as complaining witness in a similar case, he succeeded in convicting John Neuman of assault.

For once, at least, Malloy was able to show that he was not the aggressor. During the period between the May and November terms Malloy was fined several times in police court for fighting. The Malloys are well-to-do. They own a tract of land along the canal which contains a deposit of sand from twenty-five to thirty feet deep, and make money by selling the sand to builders. Their friends say jokingly that they have "sand" of more than one kind to spare. A good many of his fights grow out of horse trades. He could give David Harum pointers in that line.

Then there are a good many old family feuds that have to be adjusted when Patrick goes on a spree. If Kentucky methods were pursued here the Malloy family and several others would have been wiped out long ago. With all his fights, Patrick Malloy never has served a day in jail. He always has the money ready to pay his fine. He pays for the day's work, just as any other man would pay for a ticket to the races or the theatre. It is his sole diversion and he never tires of it.

Four or five years ago he narrowly escaped an application of Pennsylvania justice that might have landed him behind the bars, says a New York World special. With several friends he crossed the Delaware river to Doylestown, the county seat of Bucks county, Pennsylvania, and, of course, there was a fight. The Pennsylvania officers got after Malloy and he expected a midnight crossing of the Delaware, which, unlike Washington's, was to escape instead of to attack the enemy.

RUM ON THE DECLINE.

Once Popular Drink Has Gone Out of Fashion.

It would be hard to find a more striking example of the changes of fashion in regard to drinks than the gradual disappearance of rum from the list of supplies necessary to the household. This particular form of strong drink at one time, and not many years ago at that, so universally known and so commonly used that it became a synonym for all kinds of hard liquors, is now scarcely heard of, except for cooking purposes, a few hot drinks and as the traditional foundation of punches. According to the testimony of dealers in the finer grades of wines and liquors, there is no demand whatever for rum of really good quality for use in private houses. There is practically none of this liquor stored in the wine cellars of New York, and only at rare intervals does rum of any great age or fine quality appear on the lists at auction sales.

Rum is distilled from molasses, the skimmings of the boiling house on sugar plantations, and the refuse juice of cane sugar manufacture. In times past these products were shipped to the West Indies to New England, and enormous quantities of the fiery liquor manufactured there. As early as 1670 the business was under way in New England, and in such quantities that in 1686 it is said that rum, rum, rum-bullion, rum-booze, or kill-devil was so cheap there that a man could get intoxicated on it at a cost of only a penny or two. New England rum in 1719 was worth about 3 shillings a gallon, 2 pence less than the price of the West India brand. When the slave trade began and cargoes of rum were sent to Africa to be exchanged for slaves, this American product was at first the great medium of exchange in that business.

In 1814 there were 50,000,000 gallons of rum manufactured in the United States, when the population of the country was about 8,000,000 people. At that time rum was as common a drink as beer or whiskey in these days, and it continued to hold its own fairly well until the period of the civil war. Since then other drinks have supplanted it, and during recent years the importations of rum have shown a steady falling off, doubly significant in view of the rapid increase in population. In 1897 the importation was 2,273 gallons and 1,177 cases, and in 1900 only 22,722 gallons and 765 cases.

These facts apply equally to Great Britain, where the use of rum and the importations have both steadily declined during recent years. Rum was never so popular on the continent, and with its abandonment by the Anglo-Saxons its fate as a drink is probably sealed.

What Dewey Said.

(New York Commercial.)

"There's nothing in the story that Dewey said 'Damn the torpedoes' when he sailed into Manila bay," said Captain Joseph Coghlan, formerly commander of the Raleigh, to a group of

friends in a Brooklyn club the other night.

"He believed he could avoid the mine field by sailing in close to the forts, and he did. But when we started to fit out for war in Hongkong the admiral did say something like that. He had received a telegram from Roosevelt, at that time acting secretary of the navy, saying that in the event of war with Spain his duty would be to prevent the Spanish fleet from leaving Manila. He called his captains together and read them the orders, and we all started to fit out so as to be ready at once when the word came. And this is what Dewey said:

"Get whatever you need and get it quick. Damn the torpedoes! You can make out your requisitions afterward. Make out your requisitions afterward."

"Some of the stuff I loaded on in Hongkong. I remember, I made out requisitions for three months after the battle of Manila bay. They were all honored and the stuff paid for them, too."

Will Not Assist in Dishonesty. (Philadelphia Press.)

If Venezuela is depending upon the sympathy of the United States to protect her in the refusal to pay her debts she is leaning on a broken reed. The debts of a nation, as the debts of an individual, where they are just and equitable, should be paid. If the claims of Germany are fair this government will not interfere to prevent their collection.

May Be Glad to Decline. (Johnstown Democrat.)

When the time arrives for the opening of the books and the revelation of the extravagances of the last four years there may also come a revision of public sentiment that will make it easy for Mr. Roosevelt to refuse a nomination for president which even more firmness than he evidenced when named for the second place on the ticket.

Friendly Advice. (Baltimore American.)

"Yes," said the Fairy Prince, "you may have whatever you want for a Christmas present."

"I will choose," said the Fortunate Person, "either a wife or an automobile."

"How foolish!" exclaimed the Fairy Prince. "Why do you not select something that you can manage?"

Still Green. (Baltimore American.)

"Sary," snickered Ab Corntossel, "I kinder think I'll put myself on 'Christ-mas tree' for this year."

"If you do, Ab," giggled Sary, "they'll not take you off this year. They'll let you stay there till you get ripe enough to pick."

Doesn't Work For His Living. (Has Cy Neure any income besides what he earns from the city?)

"Certainly! He earns about \$15 a month and he draws a salary of one hundred."

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Thursday, January 9, 1902

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TOMORROW MATINEE AND NIGHT. A Complete and Elegant Production of the Sterling Comedy-Drama.

A Romance of Coon Hollow.

Eligible Season. Strong Company. Special Scenery. Electrical Effects. —SEE—

The Thrilling Burglary. The Torpedo Scandal. The Steamboat Race. The Carolina Quartette. The Cotton Press Tragedy.

Next Attraction, Murray and Mack, in "SHOOTING THE CHUTES." All next week.

You ought to go out into the kitchen at The Tavern, watch the chef, how he prepares your food; see the pastry cook. You never saw pies served better than those you'll see there.

THE TAVERN.

21 E. First South.

These are only an advance guard to the real spring order of the R. & A. Hat.

The Pantouir is a wonderful seller, and of the variety of shapes the Pantouir is the favorite.

Prices, \$2.50 and \$4.00. Mail orders quickly filled and satisfaction guaranteed.

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Of the Age.

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